

Assembly Bill No. 1732

Passed the Assembly May 10, 2007

Chief Clerk of the Assembly

Passed the Senate July 9, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 320, 9237, and 13308 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1732, Committee on Elections and Redistricting. Elections.

(1) Existing law defines “elections official” to include, among other persons, a county clerk, city clerk, registrar of voters, elections supervisor, or governing board having jurisdiction over elections within any county, city, or district within the state.

The bill would delete “governing board” from this definition.

(2) Existing law provides that if a petition protesting the adoption of an ordinance, and circulated by a person who is a registered voter or who is qualified to be a registered voter of the city, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the adoption of the ordinance, and is signed by a specified number of registered voters, then the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance.

This bill would instead require that the petition be submitted to the elections official under these provisions within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body.

(3) Existing law, in addition to specified restrictions on a candidate's statement for nonpartisan elective office in any local agency, limits the statement by a candidate for judicial office in the ballot pamphlet to a recitation of the candidate's own personal background and qualifications, and prohibits him or her from making reference to other candidates for judicial office or to another candidate's qualifications, character, or activities.

This bill would additionally apply these limitations to all candidates for nonpartisan elective office in any local agency. By expanding the scope of application of restrictions on candidates for local nonpartisan elective office, the bill would increase the duties of local elections officials and, thereby, impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 320 of the Elections Code is amended to read:

320. "Elections official" means any of the following:

(a) A clerk or any person who is charged with the duty of conducting an election.

(b) A county clerk, city clerk, registrar of voters, or elections supervisor having jurisdiction over elections within any county, city, or district within the state.

SEC. 2. Section 9237 of the Elections Code is amended to read:

9237. If a petition protesting the adoption of an ordinance, and circulated by a person who is a registered voter or who is qualified to be a registered voter of the city, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance.

SEC. 3. Section 13308 of the Elections Code is amended to read:

13308. In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another

candidate's qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2007

Governor